

(d) When the master cannot appear before the consul in person the master shall address to the consul in writing a full statement of the facts which render necessary the discharge of the seaman, together with a statement of the reasons why the master is unable to appear before the consul. The statement should cover the usual particulars set forth in a discharge and should be accompanied with an account of the wages due with the necessary funds to meet such wages, or (if the cash is not available) with an order to the owner for the amount due.

(e) If the consul shall deem the statement satisfactory, the seaman may be discharged as directed in R.S. 4581, as amended by section 16 of the Act of December 21, 1898, and section 19 of the Act of March 4, 1915, as if the master were present, attaching to the discharge and to the consul's relief account a copy of the statement submitted by the master.

(f) If the consul shall deem the statement unsatisfactory, and the condition of the seaman permits, the consul may decline to grant the discharge and direct that the seaman be returned to the vessel at its expense.

(g) When the condition of the injured or ill seaman is such that the seaman is incapable of completing the release for discharge at the time of removal from the vessel, the master shall complete the master's portion of the Mutual Release (Form CG-713A) and place the form with the seaman.

(1) If the seaman possesses a continuous discharge book, the master shall make the proper entries in the book and on the ship's articles and complete Form CG-718E. Form CG-718E shall be retained by the master until the termination of the voyage, at which time it shall be delivered to the vessel's owner or agent along with the shipping articles. Upon completion and presentation of the Mutual Release (Form CG-713A) to the vessel's owner or agent, the seaman shall receive all wages due. Form CG-718E shall then be signed by the seaman and the original copy forwarded to the Commandant. At this time a notation of the completion of the release should be made on the shipping articles and Form CG-713A attached thereto.

(2) If the seaman possesses a merchant mariner's document, the master shall complete a certificate of discharge on Form CG-718A, and make the proper entries on the ship's articles. Form CG-718A shall be retained by the master until the termination of the voyage, at which time it shall be delivered to the vessel's owner or agent along with the shipping articles. Upon completion and presentation of the Mutual Release (Form CG-713A) to the vessel's owner or agent, the seaman shall receive all wages due. Form CG-718A shall then be signed by the seaman and the original given to him. The white copy of Form CG-718A shall be forwarded to the Commandant. At this time a notation of the completion of the release should be made on the shipping articles and Form CG-713A attached thereto.

Subpart 14.15—Disclosure of Information Regarding Shipments and Discharges of Merchant Mariners

§ 14.15-1 Availability of information to the public.

The Coast Guard makes information available to the public in accordance with 49 CFR part 7.

Subpart 14.20—Special Provisions for Oceanographic Research Vessels

SOURCE: CGD 77-081, 46 FR 56203, Nov. 16, 1981, unless otherwise noted.

§ 14.20-1 General.

Unless otherwise provided in this subpart, the provisions of title 53 of the Revised Statutes governing the employment of merchant seamen, and any acts amending or supplementing it, remain applicable to oceanographic research vessels.

§ 14.20-5 Procedures.

(a) Oceanographic research vessels, designated in accordance with § 3.10-1 of this title may be exempted from certain provisions of title 53 of the Revised Statutes governing the employment of merchant seamen upon written request by the master, owner or agent

of the vessel to the Officer in Charge, Marine Inspection, in whose zone the vessel is located.

(b) The request should contain:

(1) A list of the exemptions set forth in § 14.20-10(b) which the applicant wishes to invoke.

(2) An outline of business practices relating to the shipment, discharge, payment, and outfitting of personnel that would justify the granting of those exemptions.

(c) The Officer in Charge, Marine Inspection, shall forward the exemption request, along with a recommendation, to the Commandant, who will determine whether it shall be granted. Any exemptions granted shall be indicated by letter issued by the Officer in Charge, Marine Inspection. The letter shall be maintained on board the vessel.

(d) In the event of a change in operating conditions, the owner, master, or agent of the vessel shall advise the local Officer in Charge, Marine Inspection. The Officer in Charge, Marine Inspection, shall forward pertinent information concerning the operational changes, along with a recommendation, to the Commandant, who shall determine if the vessel is still eligible to retain its exemptions.

§ 14.20-10 Exemptions.

(a) Certain requirements contained in title 53 of the Revised Statutes are not relevant to the employment of seamen on oceanographic research vessels. These requirements are those concerned with the shipment and discharge of seamen, pay and allotment, and the furnishing of adequate clothing. Section 445 of title 46 U.S.C., provides the authority for exempting oceanographic research vessels from certain provisions of title 53, upon such terms and conditions as may be deemed necessary. The exemptions listed in this subpart are subject to the terms and conditions that are specified below:

(1) The use of any exemption does not in any manner relieve the owner, charterer or master of other statutory responsibilities for the protection of seamen.

(2) The master agrees to receive, consider, and accord appropriate action to the legitimate complaint of any sea-

man which is presented in a reasonable manner and at a reasonable time.

(3) If an exemption is contingent upon the use of alternate procedures, the crew shall be informed of the alternate procedures.

(4) If an exemption is contingent upon the use of alternate procedures, it may be terminated if the alternate procedures are not followed.

(b) Exemptions from the following provisions of title 53 may be made for oceanographic research vessels that have marine crews employed by a firm, association, corporation, educational or research institution, or governmental body or agency, which operates such vessels as a normal part of its educational or oceanographic activities. Employment on these vessels must be of a permanent nature, rather than for a particular voyage or voyages, and must be subject to the same practices, including method of payment, tenure and employee benefits, as generally applied to other employees of the employer.

(1) 46 U.S.C. 564 Shipping Articles.

(2) 46 U.S.C. 565 Rules for Shipping Articles.

(3) 46 U.S.C. 570 Shipping Seamen in Foreign Ports.

(4) 46 U.S.C. 574 Shipping Articles for Vessels in the Coasting Trade.

(5) 46 U.S.C. 575 Penalty for Shipping without Articles.

(6) 46 U.S.C. 576 Penalty for Omitting to Begin Voyage.

(7) 46 U.S.C. 577 Posting Copies of Agreement.

(8) 46 U.S.C. 596 Time for Payment. (Provided the owner or charterer of the vessel, in the use of a pay system, follows a normal and generally accepted business or governmental practice.)

(9) 46 U.S.C. 597 Payment at Ports.

(10) 46 U.S.C. 599 Advance and allotments.

(11) 46 U.S.C. 641 Mode.

(12) 46 U.S.C. 642 Accounting as to wages.

(13) 46 U.S.C. 643(d) Entry in continuous discharge book and certificate of identification—Entries.

(14) 46 U.S.C. 643(e) Certificate of Discharge; issuance; form and contents. (Provided that upon request, a seaman shall be furnished a certified record of